

**THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION
and is not binding precedent of the Board**

Paper 4

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN M. CLOUGH, CHRISTOPHER R.A. GODFREY,
PAUL J. deFRAINE and IAN R. MATTHEWS,
Junior Party¹,
(Patent 5,221,691),

v.

SIEGBERT BRAND, UWE KARDORFF, REINHARD KIRSTGEN,
BERND MUELLER, KLAUS OBERDORF, HUBERT SAUTER,
GISELA LORENZ, EBERHARD AMMERMAN,
CHRISTOPH KUENAST and ALBRECHT HARREUS
Senior Party²,
(Patent 5,194,662 and Reissue 08/627,377).

Patent Interference No. 104,638

Before: CAROFF, PATE and HANLON, Administrative Patent Judges.

CAROFF, Administrative Patent Judge.

JUDGMENT

¹ Patent 5,221,691, granted June 22, 1993 based on Application 07/827,236, filed January 29, 1992. Assignor to Imperial Chemical Industries, PLC.

² Patent 5,194,662, granted March 16, 1993 based on Application 07/722,209, filed June 27, 1991. Reissue Application 08/627,377, filed April 5, 1996. Assignor to BASF Aktiengesellschaft, Germany.

Whereas the junior party, Clough et al., has failed to file a response to the Order to Show Cause of December 20, 2000 (Paper No. 2) within the time set therefor, pursuant to that Order judgment is hereby entered as follows:

JUDGMENT

Judgment as to the subject matter of the sole count in issue is hereby awarded to Brand et al., the senior party.

Accordingly, Clough et al. (Patent 5,221,691) are not entitled to their patent claims 1-7 corresponding to the count.

On the record before us in this interference, Brand et al. are entitled to a patent containing claims 8, 10, 12-14 and 16-17 of their reissue application 08/627,377 which correspond to the count and, also, are entitled to claims 1, 4-5 and 7-8 of their patent 5,194,662 which correspond to the count.

_____)	
)	
Administrative Patent Judge)	
)	
)	
_____)	BOARD OF PATENT
)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
)	
_____)	
)	
Administrative Patent Judge)	

cc (via First Class Mail):

Attorney for CLOUGH (real party in interest
Imperial Chemical Industries PLC):

Marian T. Thomson, Esq.
ZENECA, INC.
1200 South 47th Street
Box Number 4023
Richmond, CA 94804-0023

Attorney for BRAND (real party in interest
BASF Aktiengesellschaft):

Charles L. Gholz, Esq.
OBLON, SPIVAK, McCLELLAND, MAIER
& NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202